

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

CRIMINAL NO. 04-30034-MAP

MICHAEL A. CROOKER,)

Defendant.)

THE GOVERNMENT'S AND THE DEFENDANT'S FINAL STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(C)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts and defense counsel for Michael Crooker, hereby submit the following final status report pursuant to Local Rule 116.5(C) and Magistrate Judge Neiman's written order.

1. There are no outstanding discovery issues not yet presented or resolved by the Court.
2. The parties do not anticipate providing additional discovery as a result of the future receipt of information, documents, or reports of examinations or tests. The parties, however, are aware of the continuing discovery obligations.
3. The government has requested notice of alibi. The defendant has not responded.
4. The defendant has filed a motion to dismiss the indictment which is pending before the district court.
5. A schedule should not be set concerning any matter in the case other than trial.

U.S. DISTRICT COURT
DISTRICT OF MASS.

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U.S. DISTRICT COURT
DISTRICT OF MASS.

6. The parties have not discussed the early resolution of this case without a trial. There is an ongoing investigation relating to other alleged crimes committed by the defendant. The government may present additional charges for the grand jury's consideration.

7. The parties agree that the time from arraignment, through the present is excludable from the Speedy Trial Act pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). During this time, the District Court will be considering the defendant's motion to dismiss and the continuing investigation will proceed. There may be a superseding indictment. Accordingly, the parties request that the Court issue an order indicating that the time from January 20, 2005, until the date of the next status conference be excluded pursuant to Local Rule 112.2(B).

8. The parties anticipate a trial in this case which will require approximately one week consisting of four hour trial days.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



Kevin O'Regan
Assistant U.S. Attorney

Vincent Bongiorno, Esq.
Counsel for Michael Crooker

Dated: January 25, 2005